

1
2
3
4 THE HONORABLE RICARDO S. MARTINEZ
5
6
7
8

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 PETER J. WHALEN, an individual,

10 Plaintiff,

11 v.

12 NATIONAL OCCUPATIONAL HEALTH
STRATEGIES, LLC, a Missouri
corporation, and SCOTT JONES and the
marital community of SCOTT and JANE
DOE JONES; LEA ANN SHERIFF and
the marital community of LEA ANN and
JOHN DOE SHERIFF; CRAIG
HELIGMAN and the marital community of
CRAIG and JANE DOE HELIGMAN,

16 Defendants.

17 No. C05-0915 RSM

18 STIPULATION AND ORDER TO MOVE
TRIAL DATE

19 WHEREAS, Plaintiff Peter J. Whalen, by and through his attorneys of record, Scott C.G.
20 Blankenship, Garrett Ferencz and the Blankenship Law Firm, P.S., and Defendants National
21 Occupational Health Strategies, Scott and Jane Doe Jones, Lea Ann and John Doe Sheriff and
22 Craig and Jane Doe Heligman (hereafter, collectively known as "Defendants") by and through
23 their attorneys of record, Amy M. Fowler of Blackwell Sanders Peper Martin, LLP and Susan
24 Stahlfeld and Adam G. Hughes of Miller Nash, LLP, do hereby agree as follows:

1 Trial in this matter is currently scheduled for February 20, 2007, and the parties'
2 understanding is that a criminal trial is scheduled for the same day, which, absent a continuance
3 or resolution of that case, will be tried ahead of this matter. In addition, the Defendants have
4 also moved for summary judgment on all of Plaintiffs' claims, and the Court's decision on
5 summary judgment will dictate which of Plaintiff's claims will be tried. The claims that remain
6 in this case will, in turn, determine the scope of trial preparations, including which witnesses will
7 be necessary, what motions in limine, jury instructions, voir dire questions, and trial exhibits are
8 mandated, and the scope of the parties' agreed pretrial order and trial briefs. In addition, the
9 Court's decision on summary judgment will also affect the parties' evaluation of this matter for
10 settlement purposes.¹ Finally, all of the Defendants in this matter, as well as numerous other
11 potential trial witnesses, reside outside the state of Washington and must travel to Seattle for the
12 trial. Counsel for Plaintiff has communicated with Court personnel and has been informed that
13 May 14, 2007 is currently open on the Court's trial calendar.

14 For purposes of judicial efficiency, to allow the parties to prepare for trial in as efficient
15 and as cost-effective a manner as possible, to determine which out-of-state witnesses will be
16 necessary for trial and to provide them as much advance notice as possible for travel
17 arrangements, and to fully evaluate the case for settlement purposes (including the potential for
18 re-entering mediation), the parties respectfully request the Court continue this case to the May
19 14, 2007 trial date.

20 The parties have requested, and the Court has granted, one previous continuance in this
21 matter.

22 IT IS THEREFORE AGREED, by and between the parties to the above-entitled action,
23 that the trial date be continued to May 14, 2007, and all relevant dates based on the trial date,
24
25

26

¹ The parties have twice mediated this case unsuccessfully.

1 (motions in limine, agreed pretrial order, trial briefs, proposed voir dire questions, proposed jury
2 instructions, and trial exhibits deadlines), shall also be reset accordingly.

3 It is so STIPULATED this 22 day of January, 2007.

4

5 THE BLANKENSHIP LAW FIRM

BLACKWELL SANDERS PEPER MARTIN, LLP

6

/s/ Scott C.G. Blankenship

7 Scott C.G. Blankenship
WSBA No. 21431
8 Garrett R. Ferencz
WSBA No. 32883

/s/ Amy M. Fowler

Amy M. Fowler
Mo. Bar No. 52359 (pro hac vice)

9

Attorneys for Plaintiff

MILLER NASH, LLP

10

/s/ Susan K. Stahlfeld

Susan K. Stahlfeld
WSBA No. 31934
Adam G. Hughes
WSBA No. 34438

11 Attorneys for Defendants

12

13

14 IT IS SO ORDERED this 23 day of January 2007.

15



16
17 RICARDO S. MARTINEZ
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26

STIPULATION AND ORDER TO
MOVE TRIAL DATE
(Cause No. C05-0915 RSM)
KC-1462970-v1

BLACKWELL SANDERS PEPER MARTIN LLP
TELEPHONE (816) 983-8000
4801 MAIN STREET, SUITE 1000
KANSAS CITY, MISSOURI 64112